

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KING COUNTY, WASHINGTON, et al.,

Defendants.

No. 2:20-cv-203-RJB

**STIPULATION FOR  
MODIFICATION OF MINUTE  
ORDER SETTING TRIAL AND  
PRETRIAL DATES AND ORDER**

Plaintiff United States of America and Defendants King County and Dow Constantine hereby stipulate, pursuant to Local Civil Rules 7(j) and 16(b)(6), as follows:

WHEREAS, Plaintiff filed this action on February 10, 2020.

WHEREAS, the Court entered a Minute Order Setting Trial and Pretrial Dates (Dkt. No. 18) on April 20, 2020, setting forth trial and pretrial dates in this action;

WHEREAS, the primary expert witness deadline currently is September 4, 2020, and the discovery deadline is October 19, 2020;

WHEREAS, trial is set for February 16, 2021, approximately twelve months from the date the case was filed;

WHEREAS the Parties have not previously requested an extension of either the discovery deadline or the trial date in this action;

1 WHEREAS, the Parties have been engaging in discovery since they held the Rule 26(f)  
2 conference, and have served and responded to multiple discovery requests on one another;

3 WHEREAS, Plaintiff is implementing guidance from the United States Office for  
4 Management and Budget (OMB) "to offer maximum telework flexibilities to all current  
5 telework eligible employees, consistent with operational needs of the departments and agencies  
6 as determined by their heads" in response to the COVID-19 coronavirus outbreak.

7 Memorandum from the Acting Director of The Office of Management and Budget to the Heads  
8 of Departments and Agencies, "Updated Guidance for National Capital Region on Telework  
9 Flexibilities in Response to Coronavirus" (March 15, 2020), [https://www.whitehouse.gov/wp-](https://www.whitehouse.gov/wp-content/uploads/2020/03/M20-15-TeleworkGuidance-OMB.pdf)  
10 [content/uploads/2020/03/M20-15-TeleworkGuidance-OMB.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/03/M20-15-TeleworkGuidance-OMB.pdf) (last accessed August 31,  
11 2020);

12 WHEREAS, the OMB guidance has limited Plaintiff's ability to search, review, and  
13 produce responsive documents;

14 WHEREAS, in addition, Plaintiff believes that certain of the records Defendants have  
15 requested in this Action likely contain non-public information, including personally identifying  
16 information as well as confidential business information, that is subject to protection under  
17 federal law and discovery privileges such that Plaintiff likely will need to seek entry of a  
18 protective order and/or make significant redactions once it has been able to review the subject  
19 documents before they can be produced;

20 WHEREAS, in light of these ongoing restrictions and concerns, the Parties believe that  
21 good cause exists to modify the current case schedule, which was entered by the Court in the  
22 early stages of the COVID-19 coronavirus outbreak, because it is not sufficient for the Parties  
23 to complete fact and expert discovery in this case;

24 WHEREAS, the Parties acknowledge that new developments in this case or in the  
25 current public health situation may necessitate future reconsideration of the case schedule, but  
26 agree that their present proposal to extend the trial and pre-trial dates is appropriate;  
27  
28

WHEREAS, under the Parties' stipulated proposal, the case schedule dates will all be extended by approximately five months, with the trial occurring on July 20, 2021, which is only 17 months from the date the case was filed.

NOW THEREFORE, the Parties, through their respective counsel of record, do hereby stipulate and agree on the following revised schedule of trial and pre-trial dates:

EIGHT DAYS JURY TRIAL set for	July 20, 2021 at 9:30 AM
Disclosure of expert testimony under FRCP 26(a)(2)	January 26, 2021
All motions related to discovery must be FILED by	March 11, 2021
Discovery COMPLETED by	March 26, 2021
All dispositive motions must be FILED by	April 16, 2021
Motions in limine should be FILED by and NOTED on the motion calendar no later than the third Friday thereafter, but no later than the Friday before any scheduled pretrial conference.	June 20, 2021
Agreed pretrial order LODGED with the court by	June 30, 2021
Pretrial conference will be HELD on (COUNSEL SHALL REPORT TO COURTROOM A)	July 13, 2021 at 8:30 AM
Trial briefs, proposed voir dire & jury instructions due*	July 13, 2021

SO STIPULATED.

Respectfully submitted, September 1, 2020

/s/ Michael J. Gerardi

/s/ Timothy G. Leyh  
/s/ Kristin E. Ballinger  
/s/ Shane P. Cramer  
/s/ Timothy P. Barnes  
/s/ H. Kevin Wright

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*Attorneys for King County and Dow  
Constantine*

## ORDER

This matter comes before the Court on the Parties' Stipulation for Modification of Minute Order Setting Trial and Pre-Trial Dates. Having considered the Parties' Stipulation, and good cause having been demonstrated, the Court hereby ORDERS the following revised schedule of trial and pre-trial dates:

EIGHT DAYS JURY TRIAL set for	<b>July 19, 2021 at 9:30 AM</b>
Disclosure of expert testimony under FRCP 26(a)(2)	<b>January 20, 2021</b>
All motions related to discovery	<b>March 1, 2021</b>

must be FILED by	
Discovery COMPLETED by	<b>March 22, 2021</b>
All dispositive motions must be FILED by	<b>April 20, 2021</b>
Motions in limine should be FILED by and NOTED on the motion calendar no later than the third Friday thereafter, but no later than the Friday before any scheduled pretrial conference.	<b>June 21, 2021</b>
Agreed pretrial order LODGED with the court by	<b>July 2, 2021</b>
Pretrial conference will be HELD on (COUNSEL SHALL REPORT TO COURTROOM A)	<b>July 9, 2021 at 8:30 AM</b>
Trial briefs, proposed voir dire & jury instructions due*	<b>July 9, 2021</b>

IT IS SO ORDERED.

DATED this 1<sup>st</sup> day of September, 2020.



ROBERT J. BRYAN  
United States District Judge

Presented By:

**UNITED STATES  
DEPARTMENT OF JUSTICE**

*/s/ Michael J. Gerardi*

*/s/ Timothy G. Leyh*  
*/s/ Kristin E. Ballinger*  
*/s/ Shane P. Cramer*  
*/s/ Timothy P. Barnes*  
*/s/ H. Kevin Wright*